



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 4/27/2023

**File ID:** TMP-2890

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lots 7 & 8, Valley Bend Subdivision, 5<sup>th</sup> Addition, Smoke Rise Road. (Steele)

**Type of Document:** Ordinance No.

**Finance Information:**

**Account Number:** NA

**City Cost Amount:** NA

**Total Cost:** NA

**Special Circumstances:**

**Grant Funded:** NA

**Grant Title - CFDA or granting Agency:** NA

**Resolution #:** NA

**Location: (list below)**

**Address:** Lots 7 & 8, Valley Bend Subdivision, 5<sup>th</sup> Addition, Smoke Rise Road.

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**

**ORDINANCE NO. 23-\_\_\_\_\_**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows:

**Section 1.** The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting the vacation of a utility and drainage easement; that the applicants have represented to the City of Huntsville that **Paul Steele and Linda Steele**, are the owners of the property across which said easement lies; that said easement, or the portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

**Section 2.** Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA       )  
                                     :  
COUNTY OF MADISON     )

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS:** That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as "Grantor", in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **PAUL STEELE AND LINDA STEELE**, hereinafter referred to as "Grantees", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby REMISE, RELEASE, QUITCLAIM AND CONVEY unto the said Grantees FOR AND DURING THEIR JOINT LIVES, AND UPON THE DEATH OF EITHER OF THEM, THEN TO THE SURVIVOR OF THEM IN FEE SIMPLE, TOGETHER WITH EVERY CONTINGENT REMAINDER AND RIGHT OF REVERSION, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

BEING A TRACT OF LAND SITUATED IN A PORTION OF LOTS 7 AND 8, BLOCK 6, ACCORDING TO THE FINAL PLAT OF VALLY BEND FOURTH ADDITION, AS RECORDED IN PLAT BOOK 13, PAGE 71 IN THE OFFICE OF JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE RUN SOUTH 78 DEGREES 01 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 104.93 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE SOUTH 12 DEGREES 04 MINUTES 27 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 7 A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 78 DEGREES 01 MINUTES 11 SECONDS EAST A DISTANCE OF 7.50 FEET; THENCE SOUTH 12 DEGREES 04 MINUTES 27 SECONDS EAST A DISTANCE OF 104.76 FEET; THENCE SOUTH 78 DEGREES 00 MINUTES 28 SECONDS WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 12 DEGREES 04 MINUTES 27 SECONDS WEST A DISTANCE OF 104.76 FEET; THENCE NORTH 78 DEGREES 01 MINUTES 11 SECONDS EAST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,571 SQUARE FEET OR 0.04 ACRES MORE OR LESS.

**TO HAVE AND TO HOLD** UNTO THE SAID GRANTEES FOR AND DURING THEIR JOINT LIVES, AND UPON THE DEATH OF EITHER OF THEM, THEN TO THE SURVIVOR OF THEM IN FEE SIMPLE, AND TO THE HEIRS AND ASSIGNS OF SUCH SURVIVOR FOREVER, TOGETHER WITH EVERY CONTINGENT REMAINDER AND RIGHT OF REVERSION, all of Grantor's right, title, interest and claim in and to the above described real estate.

IN WITNESS WHEREOF, the Grantor has caused this quitclaim deed to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, on this the 27th day of April, 2023.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

By: \_\_\_\_\_  
Shaundrika Edwards, Clerk-

By: \_\_\_\_\_  
Tommy Battle, Mayor

STATE OF ALABAMA )

:

COUNTY OF MADISON )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **TOMMY BATTLE** and **SHAUNDRIKA EDWARDS**, whose names as Mayor and City Clerk, respectively, of the **CITY OF HUNTSVILLE, ALABAMA, a municipal corporation** are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 27th day of April, 2023.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Pursuant to and in accordance with Section 40-22-1 of the *Code of Alabama (1975)*, the following information is offered in lieu of submitting Form RT-1:

Date of Sale: \_\_\_\_\_, 2023

Grantor's Address: 308 Fountain Circle, Huntsville, AL 35801

Grantee's Address: 8011 Smoke Rise Rd., SE, Huntsville, AL 35802

Property Address: Easement vacation at 8011 and 8013 Smoke Rise Rd., SE, Huntsville, AL 35802

Purchase Price: \$0 – Nominal for vacation of easement

THIS INSTRUMENT WAS PREPARED BASED UPON INFORMATION PROVIDED BY THE GRANTEE. NO TITLE EXAMINATION HAS BEEN PERFORMED BY THE PREPARER OF THIS DEED AND NO OPINION HAS BEEN EXPRESSED OR RENDERED WITH RESPECT TO THE TITLE OR LEGAL DESCRIPTION OF THE ABOVE DESCRIBED REAL PROPERTY.

This instrument was prepared by: JAMES G. HARRISON  
HARRISON & GAMMONS, P.C.  
2430 L&N Drive  
Huntsville, AL 35801  
256-533-7711

## LEGAL DESCRIPTION

BEING A TRACT OF LAND SITUATED IN A PORTION OF LOTS 7 AND 8, ACCORDING TO THE FINAL PLAT OF VALLY BEND FOURTH ADDITION, AS RECORDED IN PLAT BOOK 13, PAGE 71 IN THE OFFICE OF JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE RUN SOUTH 78 DEGREES 01 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 104.93 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE SOUTH 12 DEGREES 04 MINUTES 27 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 7 A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 78 DEGREES 01 MINUTES 11 SECONDS EAST A DISTANCE OF 7.50 FEET; THENCE SOUTH 12 DEGREES 04 MINUTES 27 SECONDS EAST A DISTANCE OF 104.76 FEET; THENCE SOUTH 78 DEGREES 00 MINUTES 28 SECONDS WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 12 DEGREES 04 MINUTES 27 SECONDS WEST A DISTANCE OF 104.76 FEET; THENCE NORTH 78 DEGREES 01 MINUTES 11 SECONDS EAST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,571 SQUARE FEET OR 0.04 ACRES MORE OR LESS.

**Ordinance No. 23-**\_\_\_\_\_ (Cont.)

**ADOPTED** this the 27th day of April, 2023.

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President of the City Council  
of the City of Huntsville, Alabama

**APPROVED** this the 27th day of April, 2023.

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Mayor of the City of  
Huntsville, Alabama